

O R D I N A N C E

BE IT ORDAINED by the Marion County Council that pursuant to Section 81 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, Ordinance No. 8-1957 of the Marion County Council, as amended, and the various zoning and subdivision control and other ordinances adopted pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, be amended by the addition of the following sections to said Marion County Council Ordinance No. 8-1957:

(1) A structure erected, raised or converted or land or premises used in violation of any provision of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance made pursuant thereto, including this ordinance, shall and hereby is declared to be a common nuisance, and the owner of the structure, land or premises shall be liable for maintaining a common nuisance, and shall be fined not less than ten (\$10.00) dollars and not more than three hundred (\$300.00) dollars, and for violations continued or renewed after the imposition of a fine hereunder, each day's violation shall constitute a separate offense.

(2) In addition to or instead of proceeding under section (1) above, The Metropolitan Plan Commission of Marion County, Indiana, or the Metropolitan Board of Zoning Appeals of Marion County, Indiana, or any city or county board of zoning appeals within Marion County, Indiana, or any designated enforcement official, may institute a suit for an injunction in the circuit or superior court of Marion County to restrain an individual or a governmental unit from violating any provision of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance enacted pursuant to its terms, including this ordinance. The Metropolitan Plan Commission of Marion County, Indiana, or the Metropolitan Board of Zoning Appeals of Marion County, Indiana, or any city or county board of zoning appeals within Marion County, Indiana, may also institute a suit for mandatory injunction directing an individual or governmental unit to remove a structure erected in violation of any provision of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance enacted pursuant to its terms, including this ordinance. If the Metropolitan Plan Commission

of Marion County, Indiana, or the Metropolitan Board of Zoning Appeals of Marion County, Indiana, or any city or county board of zoning appeals, is successful in its suit, the respondent shall bear the costs of the action. A change of venue from the county shall not be granted in such a case.

(3) .Actions brought under either sections 1 or 2 above may be brought in the name of and captioned as "The Metropolitan Plan Commission of Marion County, Indiana" or "The Metropolitan Board of Zoning Appeals of Marion County, Indiana" or the name of the appropriate city or county board of zoning appeals versus the person or persons or governmental unit or governmental units charged with violating the provisions of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance enacted pursuant to its terms, including this ordinance.

(4) Nothing herein contained shall limit the powers conferred on the Metropolitan Plan Commission of Marion County, Indiana, by sub-section 10 of Section 20 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or prevent any person from bringing an action for injunction for violation of any provision of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance made pursuant thereto, including this ordinance.

NOW BE IT FURTHER ORDAINED THAT AN EMERGENCY EXISTS FOR THE PASSAGE OF THIS ORDINANCE AND THE SAME SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THIS DATE.

DATED April 12, 1960

ATTEST Clem Smith
Auditor of Marion County, Indiana

John D. Hardin

John A. Kitley

Fred W. Nordsiek

Josephine K. Bicket

Edwin J. Koch

Frank J. Billeter

The Marion County Council
of
Marion County, Indiana